

**§ 262k. Financial assistance to international financial institutions; considerations and criteria**

**(a) Congressional declaration of intent**

United States active participation in international financial institution activity is based on our national objective of furthering the economic and social development of the nations of the world, in particular the developing nations. The attainment of this national objective is most effectively realized through a world economic and financial system which is both free and stable. Therefore, it is the intent of the United States Congress that United States financial assistance to the international financial institutions should be primarily directed to those projects that would not generate excess commodity supplies in world markets, displace private investment initiatives or foster departures from a market-oriented economy.

**(b) Effect of country adjustment programs; minimization of projected adverse impacts; avoidance of government subsidization**

The Secretary of the Treasury shall instruct the representatives of the United States to the international financial institutions described in subsection (d) of this section to take into account in their review of loans, credits, or other utilization of the resources of their respective institutions, the effect that country adjustment programs would have upon individual industry sectors and international commodity markets in order to—

- (1) minimize any projected adverse impacts on such sector or markets of making such loans, credits, or utilization of resources; and
- (2) avoid whenever possible government subsidization of production and exports of international commodities without regard to economic conditions in the markets for such commodities.

**(c) Project proposals relating to mining, smelting, refining, and fabricating of minerals and metal products**

More specifically, the following criteria should be considered as a basis for a vote by the respective United States Executive Director to each of the international financial institutions described in subsection (d) of this section against a project proposal involving the creation of new capacity or the expansion, improvement, or modification of mining, smelting, refining, and fabricating of minerals and metal products:

- (1) Analysis shows that the risks, returns, and incentives of a project are such that it could be financed at reasonable terms by commercial lending services.
- (2) Analysis by the United States Bureau of Mines indicates that surplus capacity in the industry for the primary product of the defined project would exist over half the period of the economic life of the project because of projected world demand and capacity conditions.
- (3) United States imports of the commodity constitute less than 50 percent of the domestic production of the primary product in those cases where the United States is the substantial producer of such commodities.

**(d) International financial institutions**

The international financial institutions referred to in subsections (a) and (b) of this section are the International Monetary Fund, the International Bank for Reconstruction and Development, the International Development Association, the Inter-American Development Bank, the Asian Development Bank, and the African Development Bank.

(Pub. L. 99-88, title I, § 502, Aug. 15, 1985, 99 Stat. 330; Pub. L. 102-285, § 10(b), May 18, 1992, 106 Stat. 172.)

**CHANGE OF NAME**

“United States Bureau of Mines” substituted for “Bureau of Mines” in subsec. (c)(2) pursuant to section 10(b) of Pub. L. 102-285, set out as a note under section 1 of Title 30, Mineral Lands and Mining.

**COPPER MINING, SMELTING, AND REFINING**

Section 501 of Pub. L. 99-88 provided that: “The Secretary of the Treasury shall instruct the United States Executive Directors of the International Bank for Reconstruction and Development, the International Development Association, the International Finance Corporation, the Inter-American Development Bank, the International Monetary Fund, the Asian Development Bank, the Inter-American Investment Corporation, the African Development Bank, and the African Development Fund to use the voice and vote of the United States to oppose any assistance by these institutions, using funds appropriated or made available pursuant to this Act or any other Act, for the production of any copper commodity for export or for the financing of the expansion, improvement, or modernization of copper mining, smelting, and refining capacity.”

**§ 262l. Omitted**

**CODIFICATION**

Section, Pub. L. 102-391, title V, § 532, Oct. 6, 1992, 106 Stat. 1666, which related to involvement of Multilateral Development Banks in promoting environmental and energy initiatives and required reports to Congress on progress in meeting benchmarks in sustainable energy development, forest conservation, forced displacement of populations, and environmental impact assessment, was from the Foreign Operations, Export Financing, and Related Programs Appropriations Act, 1993, and was omitted from the Code as not repeated in subsequent appropriation acts. Similar provisions were contained in the following prior appropriation acts:

Pub. L. 101-513, title V, § 533, Nov. 5, 1990, 104 Stat. 2013, as amended by Pub. L. 102-27, title III, § 308, Apr. 10, 1991, 105 Stat. 152.

Pub. L. 101-167, title V, § 533, Nov. 21, 1989, 103 Stat. 1225.

Pub. L. 100-461, title V, § 535, Oct. 1, 1988, 102 Stat. 2268-28.

Pub. L. 100-202, § 101(e) [title V, § 537], Dec. 22, 1987, 101 Stat. 1329-131, 1329-161, as amended by Pub. L. 101-240, title V, § 541(d)(8), Dec. 19, 1989, 103 Stat. 2518.

Pub. L. 99-500, § 101(f) [title V, § 539], Oct. 18, 1986, 100 Stat. 1783-213, 1783-232, and Pub. L. 99-591, § 101(f) [title V, § 539], Oct. 30, 1986, 100 Stat. 3341-214, 3341-232.

Pub. L. 99-190, § 101(i) [title V, § 540], Dec. 19, 1985, 99 Stat. 1291, 1309.

**§ 262m. Congressional findings and policies for multilateral development banks respecting environment, public health, natural resources, and indigenous peoples**

The Congress finds that—

- (1) United States assistance to the multilateral development banks should promote